

Attachment to Independent Case Review Report
For CDRU # 5855 Case file # 95-284520.

Material Examiner: Malone (RO)

Case resulted in trial, transcript available.

Remarks:

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 9:15 AM (Time), 03/12/01 (Date)

File #: 95-284520

Laboratory #(s): 80816032
80913049

Examiner(s) & Symbols

	Reviewed	Not Reviewed	Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>WP, VJ, TH</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>NC</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: RQ

Testimony Date(s): Unknown Pages: 450-458

Laboratory Report(s):

Laboratory Number: 80816032/80913049 Date: June 5, 1989

Laboratory Number: 80816032/80913049 Date: June 22, 1989

Laboratory Number: _____ Date: _____

Examiner Bench Notes of: RQ

Laboratory Number: 80816032

80913049

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Initials: SRM

Was any other material reviewed? Yes No

If yes, please identify and/or describe the material: Submitting agency letters (dated 8-8-88 and 9-12-88)

Results of Review

File #: 95-284520 Item or Specimen # Reviewed: Q31, Q56, K5, K7, K9, K10

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
 Yes No Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
 Yes No Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)? Yes No Unable to Determine
 - 4) Testimony consistent with the bench notes? Yes No Unable to Determine
 - 5) Testimony within bounds of examiner's expertise? Yes No Unable to Determine

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Initials: SM

Comments

(Set forth by above question #, if applicable.)

Use "Additional Comments" Sheet, if needed)

File #: 95-284520

#1. With microscopic hair comparison, even with the best notes, there is no way to determine the comparison was performed correctly. Note, however, that it appears the hair association was verified by a second examiner.

The examiner did not perform examinations that were available to him to properly compare the cross-sectional shape and polymer composition of the fibers.

#2. The term "adequately documented" is interpreted to mean that a second qualified examiner can review the notes, determine what testing was done and arrive at the same conclusion. The documentation of the tests performed in this case is marginal. The notes are not dated or initialed. The technician's notes do not indicate hair or fibers were recovered from Q56, Q31, K5, K7, K9, K10, but hair and fibers from these items were used to

Review completed at: 11:45 AM (Time), 03/12/2001 (Date)

Total time spent conducting review (to nearest 1/4 hour): 2:30 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts

(Signature)

03/12/2001

(Date)

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Initials: *SM*

Additional Comments
(Set forth by question #, if applicable)

File #: 95-284520

#2 (continued): to form the basis of an association between the victim and the suspect. The examiner uses abbreviations in his notes which this reviewer is unable to decipher. There is no documentation of how the examiner determined the fibers are nylon or if the cross-sectional shape of the fibers are the same. Conclusions based upon undocumented or incomplete data are not scientifically acceptable.

#4: The examiner testified that he processed the victim's top, he conducted analysis of the victim's top and that he located hair and fibers on the top. The notes indicate a technician processed the victim's top, not the examiner.

#5: The examiner's testimony (p.453 #22, p. 454 #1, p. 454 #7, p 454 #14), and the laboratory report, state that the fiber recovered from the victim's top (Q56) is a "nylon carpet fiber". While most carpet fibers do have a trilobal cross-section shape, trilobal fibers are found in other items besides carpet. It appears the examiner concludes that the Q56 fiber is a carpet fiber only because he found it to match the Q31/K7 carpet sample.

The examiner's conclusion that the victim probably was in contact with that carpet (p 456 #2-11) is strong and can be explained by alternate circumstances. For example, if the victim had been in the suspect's residence before, the transfer of the hair and fibers could have occurred then and would have nothing to do with this homicide.

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Initials: SMA